

PERMIT CONDITIONS FOR ON STREET ACTIVITIES

Issued pursuant to Section 222 of the Local Government Act 1999

Standard Conditions:

- 1) The activity permitted under this permit may only be conducted at the approved location(s) and times.
- 2) The activity must be undertaken by or on behalf of the Permit Holder (including any contractor, agent, employee or related body corporate of the Permit Holder) in accordance with the terms and requirements of each of the following instruments (as amended or replaced from time to time):
 - i) City of Adelaide *Mobile Food Vending Operating Guidelines* (available at [operating-guidelines-mobilefoodvendors.pdf \(d31atr86jnqrq2.cloudfront.net\)](https://www.cityofadelaide.com.au/assets/operating-guidelines-mobilefoodvendors.pdf)) to the extent they are applicable
 - ii) The *Food Act 2001* and associate subordinate legislation and instruments
 - iii) The *Local Nuisance and Litter Control Act 2016* and associated subordinate legislation and instruments
 - iv) City of Adelaide *On-Street Activity Guidelines* (available at [on-street-activity-operating-guidelines.PDF \(d31atr86jnqrq2.cloudfront.net\)](https://www.cityofadelaide.com.au/assets/on-street-activity-operating-guidelines.PDF)) to the extent they are applicable
 - v) Any other applicable legislation
 - vi) The conditions of this permit.
- 3) The activity is to be managed as per the approved plan submitted to the City of Adelaide prior to the issue of this permit, or replacement plan authorised by the City of Adelaide in writing.
- 4) No other activity (such as business promotion or preaching) is permitted as part of this permit. Separate permits must be applied for before conducting such activities.
- 5) The City of Adelaide may, at its sole and absolute discretion, specifically authorise a departure from:
 - i) the City of Adelaide *On-Street Activity Guidelines*
 - ii) the applicable site management plan; or
 - iii) this permit;
 upon application made to permits@cityofadelaide.com.au, or post GPO Box 2252 Adelaide SA 5001, but only if that departure would not contradict any mandatory legal requirement.
- 6) The Permit Holder acknowledges that nothing in this permit limits the obligations of the Permit Holder, under Sections 228 and 229 of the *Local Government Act 1999*, to:
 - i) take action that is reasonably practicable in the circumstances to minimise obstruction and inconvenience to other footpath or road users; and
 - ii) restore the footpath or road if the Permit Holder causes damage to a public area while undertaking the permitted activity (at least to the condition that existed immediately before the activity was undertaken).
- 7) This permit may be suspended or revoked by the City of Adelaide, or the term and/or conditions of the permit may be altered by the City of Adelaide, for any or no reason, including any of the following reasons:
 - i) due to the breach of any condition of this permit by the Permit Holder; or
 - ii) because any activity carried out by the Permit Holder is, in the opinion of an authorised officer of the City of Adelaide under the *Local Nuisance and Litter Control Act 2016*, causing local nuisance; or
 - iii) to eliminate or minimise a risk to health and safety, or damage to property; or
 - iv) to accommodate public events or roadworks; or
 - v) due to impacts on traffic; or
 - vi) in the interests of amenity.



- 8) All contractors, employees, subcontractors or visitors to the location must obey all on street parking signs within the City of Adelaide.
- 9) All footpaths, roads, parklands and infrastructure are to be protected from damage at all times.
- 10) Damage caused to City of Adelaide assets including footpaths, roads, parklands and infrastructure will be the liability of the Permit Holder.
- 11) Repairs, replacements and reinstatements to any City of Adelaide assets are required to be completed consistent with the applicable City of Adelaide Standards or Guidelines, at the Permit Holder's expense.
- 12) Vehicle and pedestrian access to entrances and driveways is to be maintained at all times.
- 13) The activity is not to be conducted outside the permitted days or times specified in this permit without the written authorisation of the City of Adelaide.
- 14) The location is to be left clean on completion of the activity and all structures or objects used during the course of the activity are to be removed.
- 15) The person/s undertaking the activity must not harass, harangue, approach or accost any member of the public.
- 16) The Permit Holder must pay the fee for this permit by the date specified in the tax invoice issued by the City of Adelaide to the Permit Holder in respect of this permit.
- 17) The Permit Holder indemnifies and releases the City of Adelaide from all liability arising from or in connection with the granting of this permit, or the use or occupation of the location, or the conduct of the Permit Holder's business by the Permit Holder or any of the Permit Holder's agents including:
 - i) any claim by any person for injury, loss or damage arising in any manner;
 - ii) any loss or damage to any property belonging to the Permit Holder or other persons located in the vicinity of the location caused by the Permit Holder or the Permit Holder's agent;
 - iii) any loss, damage, injury or illness sustained or incurred by the Permit Holder or any of the Permit Holder's agents;
 - iv) any loss or damage resulting from the exercise of the City of Adelaide's power to suspend, revoke or alter this permit.
- 18) The Permit Holder must effect and maintain at all times during the term of this permit a public liability insurance policy in the amount of twenty million dollars (\$20,000,000.00) per claim or such other amount as the City of Adelaide may reasonably require from time to time and such policy must:
 - i) be with an insurer and on terms approved by the City of Adelaide;
 - ii) be in the name of the Permit Holder and note the interest of the City of Adelaide;
 - iii) have no limit on the number of claims that can be made under it;
 - iv) cover events occurring during the policy's currency regardless of when claims are made;
 - v) note that despite any similar policies of the City of Adelaide, the Permit Holder's policy will be the primary policy; and
 - vi) require the insurer to notify the City of Adelaide if the policy is cancelled or varied or allowed to lapse.
- 19) The Permit Holder must not undertake any activity until the Permit Holder has provided to the City of Adelaide a copy of the public liability insurance policy specified above. Evidence of the public liability insurance policy specified must be provided to the City of Adelaide each time that the policy is required to be, and is, renewed.
- 20) This permit and associated conditions must be available to be presented upon request to any officer of the City of Adelaide.
- 21) The permit is issued in the name of the applicant and cannot be transferred to another person.

Specific Conditions for Mobile Food Vending:

General Trading

- 1) The sale of alcohol is not permitted.
- 2) Free samples are only to be given in conjunction with sales.
- 3) The use of structures such as furniture or marquees is not permitted.

Amenity and Appearance

- 4) A mobile food vending vehicle may be a van, truck cart or bike.
- 5) Trees and other significant streetscape elements such as public art, benches, rubbish bins and bus shelters shall not be obstructed, covered, removed, damaged, relocated or modified because of a mobile food vending operation.
- 6) All advertising must be fixed to the food vehicle and not encroach on the public realm.

Location Rules and Operating Hours

- 7) Mobile food vending is permitted in those streets, footpaths and City Squares where there is adequate footpath space to accommodate it, while not compromising pedestrian access, safety or other street activities.
- 8) Pedestrian flow, vehicle traffic (including line of sight for motorists), driveways, bicycle lanes, queuing and other waiting areas are not to be obstructed.
- 9) Wheelchair access to pedestrian ramps and footpaths must be maintained at all times.
- 10) Designated parking areas such as disabled, residential, taxi, loading and bus zones must not be used and access to these areas is to be maintained at all times.
- 11) The safety of adjoining buildings must not be compromised by restricting access or adding unreasonably to fire potential.
- 12) Access to service covers and public street furniture such as seats, bicycle parking, drinking fountains, rubbish bins, telephone booths and post boxes must be maintained at all times.
- 13) **A minimum 25 metre distance must be maintained from fixed food businesses** (unless written permission is obtained from the fixed food business).
- 14) Exclusive use of public areas is not permitted and areas cannot be reserved.
- 15) Mobile food vendors must alternate locations regularly; only attending prime locations once per week during the standard lunch trade (11 am – 3 pm), unless otherwise advised and agreed upon by the City of Adelaide. Prime locations include Victoria Square, Hindmarsh Square and North Terrace (from King William – East Terrace).
- 16) Mobile food vendors may not trade in the same location for longer than four hours at any one time (not including set up and pack down).
- 17) Mobile food vendors will be permitted to trade at prime locations more than once a week if trading outside standard lunch trade hours (11 am – 3 pm).
- 18) Mobile food vendors will only be permitted to setup 1.5 hours before lunch time trade (11 am – 3 pm) in the City Squares.
- 19) Trading in Parklands and City Squares is permitted but must be:
 - on hard-surface areas only (vehicles must not drive onto or trade from grass areas)
 - setback from licensed sporting areas and their parking facilities (unless permission has been given by the license holder)
 - setback from scheduled events
- 20) The following locations are not available for mobile food vending:
 - **Within 50 metres of a scheduled event area** (unless permission has been given by the event organisers)
 - Streets, roads and laneways with a footpath width of less than 3.2 metres
 - King William Street (between North Terrace and the northern tip of Victoria Square/Tarntanyangga)
 - National War Memorial on North Terrace (between King William Street and Kintore Avenue)
 - Indigenous Cultural Marker on Recreation Plaza/Victoria Square/Tarntanyangga South (trading near the marker is available, you may not trade on top of the marker)

- Rundle Mall
- Rundle Street
- Hindley Street
- Grote Street
- East Terrace (between North Terrace and Grenfell Street)
- Additional locations may be excluded from trading as notified by City of Adelaide.

Vendors may be required to relocate if the trading location conflicts with the location rules noted above.

Parking Conditions Specific to Trucks and Vans

- 21) The food truck or caravan must be parked in one legitimate parking space that is for 1 hour or more, parallel to the footpath. Permission will not be granted to use short term parking locations (e.g. 15 or 30 minute parking).
- 22) Parking fees are waived during operation for food trucks or caravans. A copy of the permit must be available at all times.
- 23) Serving area to be from footpath-side of the vehicle only.
- 24) Vehicle must not require external power or water connection and be self-sufficient.
- 25) Permitted towing vehicles must be parked in a legitimate parking space that is for 1 hour or more.
- 26) The permit for towing vehicles must be clearly displayed and is valid only whilst the vendor is operating (including set up and pack down) and must not be directly next to the parking space where their trading van is set up.
- 27) Vans and trucks must be of dimensions which enable them to easily park in a standard parking space of 2.3 metres wide and 6.0 metres long.
- 28) If the van or truck is longer than a standard car park, vendors are only permitted in non-delineated car parks.

Conditions Specific to Carts on the Footpath and Smaller Vans

- 29) Smaller MFV vehicles may trade on the footpath of North Terrace (between Kintore Avenue and Frome Road).
- 30) Smaller MFV vehicles shall not exceed 2 tonnes in weight to ensure minimal impact on pavers and underground services.
- 31) Mobile food vendors on the footpath must be setback 1.8 metres from building fronts, allowing clear pathways and not interfere with pedestrian movement.
- 32) Food vendors on the footpath must be setback 0.6 metres from the kerb line.
- 33) Food vendors on the footpath must not require external power or water connection and be self-sufficient, unless otherwise agreed upon by the City of Adelaide.
- 34) Permitted towing vehicles must be parked in a legitimate parking space that is for 1 hour or more.
- 35) The permit for the towing vehicle must be clearly displayed and is valid only while the vendor is operating (including set up and pack down) and must not be directly next to the parking space where their trading van is set up.

City Squares

- 36) Up to six vans can trade in City Squares at any one time.
- 37) Vendors will only be permitted to setup 1.5 hours before lunch time trade (11m – 3 pm).
- 38) Parking on hard surfaces is required when trading in City Squares.
- 39) Food vendors are encouraged to trade on the Northern Plaza of Victoria Square/Tarntanyangga (Flinder Street end) and the Eastern Promenade.

Maintenance, Cleaning and Waste

- 40) The mobile food vending vehicles and carts must be kept in a safe and well-maintained condition at all times.
- 41) The City of Adelaide's Environmental Health Team have the right to inspect mobile food vehicles and carts and charge a fee as noted in the schedule of fees and charges.
- 42) No trade waste or litter can be disposed of in street rubbish bins. Food vendors must provide bins for their customers and ensure the area where they trade is kept clear of rubbish and refuse.
- 43) All liquid waste (including waste water and waste oil) must be contained and removed



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or disposed of appropriately at the end of trading. No waste or other material is to be deposited into the storm water system. No hosing down of areas is allowed.

44) Where the City of Adelaide must undertake cleaning as a result of a mobile food vendors operations, the permit holder will be liable to reimburse the the City of Adelaide for the cost involved.